

EXTERNAL (for general distribution)

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Further information on UA 301/90 (AFR 32/10/90, 17 July, and follow-ups AFR 32/12/90, 27 July, and AFR 32/16/90, 17 August) - Fear of Torture/Legal Concern

**KENYA; George ANYONA, former MP**  
**Edward OYUGI, professor of educational psychology**  
**Ngotho KARIUKI, accountant, former academic**  
**Augustus KATHANGU, KANU official, businessman**  
and **Caleb Mokaya GICHANA, schoolteacher**

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George Anyona, Edward Oyugi, Ngotho Kariuki and Augustus Kathangu, who were arrested together in Nairobi on 11 July 1990 and charged with sedition on 25 July, are still in prison awaiting trial.

A fifth person arrested with them, Caleb Mokaya Gichana, who was released soon afterwards, was re-arrested on 22 August. On 27 August he was taken to court and charged with possession of a seditious publication of Mwakenya, a clandestine opposition organization which has called for the violent overthrow of the government.

In court his lawyer complained that before his re-arrest on 22 August he had been pressed by police to sign certain documents and appear as a prosecution witness against the other four, which he refused to do, and that for five days after his arrest he was questioned about this refusal, before being charged with possession of a seditious publication. He was remanded in custody in Kamiti prison near Nairobi without bail. No date has been set for his trial.

In court on 31 August he complained that he had been denied his medication since his arrest nine days earlier. The Chief Magistrate ordered that he should be allowed to buy medicine prescribed for him.

Amnesty International fears a fabricated charge may have been brought against him because of his refusal to give evidence as the police wished against George Anyona and the other three prisoners, who are considered by Amnesty International to be prisoners of conscience. There are also fears for his safety from torture or ill-treatment.

George Anyona and the other three have made several court appearances during August and September, some of them in camera, when they applied for bail and complained about torture, ill-treatment and other violations of their human rights. The complaints were ignored and bail was refused by Mr Justice D C Porter on 28 August on the grounds that "they might be tempted to abscond", although others were granted bail recently after being charged with similar sedition offences. The Chief Magistrate merely ruled that the complaints should be investigated by the prison authorities.

They also complained that they were given inadequate treatment for various medical conditions and that they were not being allowed private family visits and access to writing materials, despite previous court orders to that effect.

No date has yet been set for their trial on the sedition charges. They remain held in a special block of Kamiti maximum security prison near Nairobi, in which mental patients are also imprisoned, and where they have described conditions as "extremely harsh and barbaric".

**FURTHER RECOMMENDED ACTION: Telegrams/telexes/express and airmail letters:**

- expressing concern at the arrest of Caleb Mokaya Gichana and reports that this appears to be a punishment for refusing to incriminate four other prisoners;
- requesting assurance that he is not being ill-treated and is being allowed regular access to his family, legal representative and medical doctor, and that he is receiving any medical treatment he needs;
- urging an independent and impartial investigation into complaints of torture and ill-treatment which were made by George Anyona and his fellow-defendants;
- calling for immediate improvements in their treatment in prison;
- renewing appeals for the immediate and
  - unconditio
  - nal
  - release of
  - George
  - Anyona,
  - Edward
  - Oyugi and
  - Augustus
  - Kathangu.

**APPEALS TO:**

President Daniel arap Moi  
 President of the Republic of Kenya  
 Office of the President  
 P O Box 30510  
 Nairobi, Kenya

Mr Matthew Muli  
 Attorney General  
 Office of the Attorney General  
 PO Box 40112  
 Nairobi, Kenya

Telegrams: President arap Moi, Kenya  
 Telexes: 22003/22696 FOREIGNRB  
 (via Ministry of Foreign Affairs)

Telegrams: Attorney General  
 Muli, Nairobi, Kenya  
 Telexes: 22003/22696 FOREIGNRB

Mr James Mareka  
 Commissioner of Prisons  
 Kenya Prison Service HQ  
 PO Box 30175  
 Nairobi, Kenya

Telegrams: Prison Commissioner  
 Mareka, Nairobi, Kenya

**COPIES TO:**

- Mr Wilson Ndolo Ayah, Minister of Foreign Affairs, PO Box 30551, Nairobi, Kenya
- A/C Geoffrey Kinoti, Kenya Police HQ, PO Box 30051, Nairobi, Kenya
- Officer-in-Charge, Kamiti Prison, PO Box 47472, Nairobi, Kenya
- The Chairman, Law Society of Kenya, PO Box 72219, Nairobi, Kenya
- Mr Justice Alan Hancox, Chief Justice, Law Courts, PO Box 30041, Nairobi, Kenya
- Mr Omondi Tunya, Chief Magistrate, PO Box 30041, Nairobi, Kenya
- The Weekly Review, PO Box 49010, Nairobi, Kenya
- The Daily Nation, PO Box 42271, Nairobi, Kenya
- The Kenya Times, PO Box 30080, Nairobi, Kenya

- The Standard, PO Box 30958, Nairobi, Kenya

and to diplomatic representatives of Kenya in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 8 November 1990.